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JUNE 02

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1. IN ORDER TO DEAL WITH HOST OF QUERIES RECEIVED BY MISSION PRESS CENTER FOLLOWING PRESIDENT'S REMARKS RE LACK OF PRESS INTEREST IN WORK OF ELECTORAL LAW DRAFTING COMMISSION, EMBASSY OFFICER GAVE BACKGROUNDER FRIDAY ON STATUS COMMISSION'S DELIBERATIONS. OFFICER'S REMARKS NOT REPEAT NOT FOR ATTRIBUTION TO ANY AMERICAN SOURCE. HE GAVE FACTUAL RUNDOWN ON COMMISSION'S WORK THUS FAR AND ON VARIOUS VIEWS EXPRESSED BY COMMISSIONERS ON POINTS RAISED IN DISCUSSIONS. HE SHUNNED JUDGMENTS ON PROVISIONS OF DRAFT LAW AS THEY NOW STAND.

2. JUDGING BY QUESTIONS, NEWSMEN PRESENT QUITE INTERESTED. MANY TOOK COPIOUS NOTES DESPITE OVERWHELMING INTEREST PRESENTED BY POLITICAL CRISIS AND EVENTS IN HUE. SHARPEST QUESTIONS DEALT WITH DIFFICULTY HOLDING MEANINGFUL ELECTION IN INSECURE AREAS. ALSO SOME FEARS EXPRESSED REGARDING VAGUE WORDING OF PROVISION ELIMINATING COMMUNISTS AND NEUTRALISTS AS CANDIDATES.
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H LIMITED OFFICIAL USE SECTION ONE OF TWO JUNE 02.

IO

P 1. FOLLOWING IS ROUGH TRANSLATION OF DOCUMENT DRAWN UP BY SUB-

NSC COMMITTEE TWO OF ELECTION LAW DRAFTING COMMITTEE. DOCUMENT IS NOT

INR RPT NOT IN FINAL FORM, BUT IT IS BELIEVED THAT SUBCOMMITTEE TWO

AID RECOMMENDATIONS WILL UNDERGO FEW CHANGES NEXT FEW DAYS.

2. ART. 1 - THE NATIONAL CONSTITUENT ASSEMBLY, ESTABLISHED BY VIRTUE OF DECREE LAW 14/66 OF APRIL 14, 1966, WILL BE ORGANIZED AND ADMINISTERED AS FOLLOWS:

RSR

CHAPTER I

ORGANIZATION

ART. 2 - REPRESENTATIVES OF THE PEOPLE AT THE NATIONAL CONSTITUENT ASSEMBLY WILL BE CALLED "DEPUTIES."

ART. 3 - DEPUTIES WILL BE ELECTED BY GENERAL ELECTIONS, THROUGH DIRECT, SECRET BALLOT AND BY INDIVIDUAL NAME.

ART. 4 - THE NUMBER OF DEPUTIES, ELECTORAL DISTRICTS, REGULATIONS ON ELECTIONS, AND CONDITIONS FOR CANDIDATURE WILL BE FIXED BY THE DECREE-LAW ON ELECTIONS.

(1)

ART. 5 - THE NATIONAL CONSTITUENT ASSEMBLY MUST BE CONVENED AT THE LATEST 15 DAYS AFTER THE ELECTION DAY.

THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE IS CHARGED WITH THE MISSION OF CONVENING THE 1ST SESSION OF THE NATIONAL CONSTITUENT ASSEMBLY. IF FOR SOME REASON, THE NATIONAL CONSTITUENT ASSEMBLY CANNOT BE CONVENED WITHIN THE ABOVE-MENTIONED PERIOD: THE DEAN OF DEPUTIES WILL NATURALLY

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BE ENTRUSTED WITH THE RIGHT OF CONVENING IT WITHIN 7 DAYS AFTER THE ABOVE-MENTIONED PERIOD.

CHAPTER II

THE STATUTE OF DEPUTIES

ART. 6 - DEPUTIES WILL BE GRANTED ALLOWANCES TO BE FIXED BY ANOTHER DECREE-LAW.

ART. 7 - DEPUTIES CANNOT HOLD POSITIONS WHICH ARE PAID OR APPOINTED BY THE GOVERNMENT, INCLUDING CABINET POSITIONS. CIVIL SERVANTS ELECTED TO THE ASSEMBLY MUST GO ON LEAVE WITHOUT PAY STATUS. MILITARY PERSONNEL WHO ARE ELECTED MUST RESIGN FROM ARMED FORCES.

ART. 8 - DEPUTIES MAY SERVE SIMULTANEOUSLY IN POSITIONS TO WHICH THEY ARE ELECTED BY THE PEOPLE. THEY MAY ALSO TEACH IN UNIVERSITIES AND TECHNICAL COLLEGES.

IN ANY CASE, DEPUTIES MAY NOT PARTICIPATE IN BIDS AND CONTRACTS WITH GOVERNMENT INSTITUTIONS.

ART. 9 - DEPUTIES WILL NOT BE SUED, SEARCHED, OR ARRESTED FOR OPINIONS EXPRESSED OR VOTES MADE IN THE NATIONAL ASSEMBLY OR IN NATIONAL ASSEMBLY COMMITTEES, EXCEPT IN THE CASE IN WHICH 2/3 OF THE NATIONAL ASSEMBLY MEMBERSHIP CONFIRMS THAT THE OPINIONS EXPRESSED HAVE BEEN AIMED AT MAKING PROPAGANDA FOR COMMUNISTS, NEUTRALISTS OR REBELS.

DURING THE WHOLE TERM OF THE NATIONAL CONSTITUENT ASSEMBLY, DEPUTIES CANNOT BE SUED, SEARCHED OR HELD FOR A CRIMINAL OR PETTY OFFENSE IF 2/3 OF THE NATIONAL CONSTITUENT ASSEMBLY MEMBERSHIP DOES NOT AGREE WITH THE ABOVE-MENTIONED ACTIONS, EXCEPT IN THE CASE OF "FLAGRANTE DELICTO" ACCORDING TO THE CORRECT DEFINITION OF THE LAW.

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CHAPTER III

ADMINISTRATION

ART. 10 - THE OFFICE AND COMMITTEES OF THE NATIONAL CONSITUENT ASSEMBLY WILL BE ELECTED BY RELATIVE MAJORITY AND SECRET BALLOT, EXCEPT FOR THE CHAIRMAN WHO MUST BE ELECTED BY A MAJORITY OF 2/3 OF THE NATIONAL CONSTITUENT ASSEMBLY MEMBERSHIP. IF, AFTER TWO ROUNDS OF VOTES, THE 2/3 MAJORITY OF MEMBERSHIP IS NOT REACHED, THE NORMAL RELATIVE MAJORITY WILL SUFFICE.

ART. 11 - THE OFFICE OF THE NATIONAL CONSTITUENT ASSEMBLY WILL BE COMPOSED OF: 1 CHAIRMAN, 2 DEPUTY CHAIRMEN, 1 SECRETARY GENERAL, 3 DEPUTY SECRETARY GENERALS, AND 2 COMMISSIONERS.

UNTIL THE COMPLETE ELECTION OF THE OFFICE OF THE NATIONAL CONSTITUENT ASSEMBLY, THE OLDEST DEPUTY WILL PRESIDE, WITH THE YOUNGEST DEPUTY AS SECRETARY.

ART. 12 - THE NATIONAL CONSTITUENT ASSEMBLY WILL HOLD A LEGAL SESSION, IF ATTENDED BY 1/2 OF ITS MEMBERSHIP, FOR THE REGULARIZATION OF ELECTIONS OF DEPUTIES. THE NATIONAL CONSTITUENT ASSEMBLY WILL VOTE ON THIS PROBLEM AND ONLY A RELATIVE MAJORITY OF DEPUTIES PRESENT IS NECESSARY.

ART. 13 - FOLLOWING THE ELECTION OF THE NATIONAL CONSTITUENT ASSEMBLY'S OFFICE AND THE REGULARIZATION OF NATIONAL CONSTITUENT ASSEMBLY'S ELECTIONS, THE NATIONAL CONSTITUENT ASSEMBLY WILL ELABORATE THE ASSEMBLY'S INTERNAL REGULATIONS IN ITS FIRST SESSIONS, TO FIX REGULATIONS RELATIVE TO ITS ADMINISTRATION. LODGE

NOTE: ADVANCE DELIVERY S/S-O, 6/2/66, 3:45 A.M.
PASSED WHITE HOUSE, DOD, CIA, USIA, NSA, 6/2/66, 3:45 A.M.

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CHAPTER IV

FUNCTION

ART. 14 - THE NATIONAL CONSTITUENT ASSEMBLY HAS THE DUTY OF DISCUSSING AND FRAMING THE CONSTITUTION OF THE REPUBLIC OF VN.

DURING THE PERIOD OF DISCUSSION OF THE CONSTITUTION, THE GOVERNMENT MAY GIVE SUGGESTIONS THROUGH NOTES SENT TO THE NATIONAL CONSTITUENT ASSEMBLY.

ART. 15 - THE NATIONAL CONSTITUENT ASSEMBLY MAY ALSO LEGISLATE.

ART. 16 - THE MAXIMUM PERIOD DEVOTED TO THE ELABORATION OF THE CONSTITUTION WILL BE 6 MONTHS. AT THE LATEST, 7 DAYS AFTER THE APPROVAL OF THE CONSTITUTION, THE NATIONAL CONSTITUENT ASSEMBLY SHOULD TRANSMIT THE CONSTITUTION TO THE NATIONAL LEADERSHIP COMMITTEE FOR PROMULGATION.

ART. 17 - THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE WILL PROMULGATE THE CONSTITUTION WITHIN 15 FULL DAYS FOLLOWING THE RECEPTION OF THE CONSTITUTION. AFTER THE 15 DAY PERIOD THE CONSTITUTION WILL AUTOMATICALLY COME INTO EFFECT.

CHAPTER V

TERM AND DISSOLUTION

ART. 18 - THE NATIONAL CONSTITUENT ASSEMBLY MAY BE CHANGED INTO A LEGISLATIVE ASSEMBLY IF THE CONSTITUTION HAS SUCH A PROVISION. IN THE CASE THAT THE CONSTITUTION DOES NOT HAVE SUCH

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A PROVISION, THE FUNCTION OF THE NATIONAL CONSTITUENT ASSEMBLY WILL NATURALLY END FOLLOWING THE PROMULGATION OF THE CONSTITUTION AND THE ESTABLISHMENT OF A LEGISLATIVE INSTITUTION.

DIEN HONG CONFERENCE HALL MAY 31, 1966

FOR THE CHAIRMAN
NGUYEN VAN HUYEN
LODGE
BT

SECRETARY GENERAL,
NGUYEN THIEN NHON

NOTE: ADVANCE COPY TO S/S-O, 3:35 A.M., JUNE 2
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C O N F I D E N T I A L JUNE 03

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CINCPAC FOR POLAD

1. IN TALK WITH DR. PHAN QUANG DAN EVENING JUNE 1, EMBOFF WAS TOLD THAT SINCE HIS RESIGNATION FROM PRESIDENCY GIA DINH PROVINCIAL COUNCIL IN MID-APRIL DAN HAD BEEN HARD AT WORK PREPARING FOR SEPTEMBER 11 ELECTIONS. HE HAD ESTABLISHED "NATIONAL DEMOCRATIC BLOC" WHICH WAS LOOSE COALITION VARIOUS GROUPS AND INDIVIDUALS WITH POLITICAL POTENETION. AIM OF "BLOC" WAS TO PRESENT AS MANY CANDIDATES AS POSSIBLE AND DAN

PAGE 2 RUMJIR 410A C O N F I D E N T I A L
BELIEVED THEY WOULD NE ABLE TO CONTEST SOME SEATS IN EVERY PROVINCE AND ALL 26 (27) SEATS IN SAIGON/GIA DINH.

2. DAN WAS RELUCTANT TO DISCUSS DETAILS BUT SAID HE HAD COOPERATION OF KEY PROVINCIAL COUNCIL MEMBERS IN "MOST" PROVINCES, INCLUDING IN MAJORITY OF INSTANCES THE CHAIRMAN. ONLY INDIVIDUAL COUNCIL MEMBER MENTIONED BY NAME WAS PRESIDENT OF SAIGON CITY COUNCIL LA THANH NGHE. OTHER INDIVIDUALS AND ORGANIZATIONS CITED AS BEING AFFLIIATED WITH BLOC WERE MAI THO TRUYEN AND SOUTHERN BUDDHIST STUDIES ASSOCIATION, TRAN QUOC BUU AND CVT, AND "INFLUENTIAL" (BUT UNIDENTIFIED) CATHOLICS, VNQDD, HOA HAO AND CAO DAI (THOSE FROM TAY NINH PROVINCE, NOT FACTIONS IN SAIGON). EACH OF THESE GROUPS WOULD PUT UP CANDIDATES WHO WOULD RUN UNDER BLOC LABEL WITH SUPPORT OF OTHER BLOC MEMBER GROUPS. THEY WOULD NOT RUN AS RELIGIOUS SECT OR TRADE UNION CANDIDATES PER SE BUT WOULD OF COURSE HAVE BACKING OF THESE ORGANIZATIONS.

3. DAN BELIEVED BLOC WOULD STAND PRETTY FAIR CHANCE, ESPECIALLY SINCE OTHER POLITICAL AND RELIGIOUS GROUPS WERE

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PAGE 3 RUMJIR 410A C O N F I D E N T I A L
DOING VERY LITTLE THUS FAR IN PREPARING TO CONTEST ELECTIONS. VNQDD WAS, IN DAN'S VIEW, TOO BADLY SPLIT TO BE ABLE RUN AS PARTY NATION-WIDE AND SEVERAL KEY MEMBERS WERE THEREFORE GOING TO RUN AS BLOC CANDIDATES. CATHOLICS WERE PREOCCUPIED WITH INTERNAL POWER STRUGGLE AND BUDDHIST INSTITUTE PLANS HAD BEEN BADLY UPSET BECAUSE OF NECESSITY CONCENTRATE EXCLUSIVELY ON FIGHTING GVN.

4. WITH RESPECT BUDDHIST INSTITUTE, DAN SAID THAT IT HAD LOST LARGE AMOUNT OF POPULAR APPEAL AS RESULT OF STRUGGLE MOVEMENT. MOST VIETNAMESE WERE TIRED OF CONTINUAL POLITICAL UNREST AND RESENTED BUDDHIST FOR HAVING BROUGHT IT ON. BLATANT SUBORDINATION OF BUDDHIST RELIGION TO PURELY POLITICAL OBJECTIVES HAD ALSO HARMED INSTITUTE'S PUBLIC IMAGE, AS HAD TACTICS EMPLOYED: TERROR AND INTIMIDATION, IMMOLATIONS, ARMED INSURRECTION, ETC. VIOLENT ANTI-AMERICANISM OF PAST WEEK HAD ALSO ALIENATED LARGE NUMBER OF VIETNAMESE WHO RELAIZED THEIT COUNTRY'S DEPENDENCE UPON UNITED STATES SUPPORT AND APPRECIATED OUR EFFORTS IN THEIR BEHALF. DAN DID NOT SEE HOW INSTITUTE COULD POSSIBLE WIN MORE THAN 10 PERCENT OF SEATS.

PAGE 4 RUMJIR 410A C O N F I D E N T I A L

5. ON SUBJECT OF ELECTION LAW DRAFTING COMMITTEE, DAN EXPRESSED SATISFACTION WITH ITS WORK AND SAID HE HAD BEEN IN CLOSE CONTACT WITH MANY MEMBERS, GIVING ADVISE ON CERTAIN QUESTIONS. HE BELIEVED THERE WOULD BE SOME CHANGES MADE BY GVN IN FINAL REPORT BY COMMITTEE BUT THAT LAW AS FINALLY DECREED WOULD BE GOOD ONE.

6. COMMENT: THIS ACCOUNT SHOULD BE TREATED WITH CAUTION. WE ARE WORKING TO CHECK AT WHAT DAN HAS SAID ABOUT "BLOC" AND FIND OUT ANSWERS OTHER PERTINENT QUESTIONS SUCH AS WHETHER IT HAS BLESSING OF GVN WITH WHICH DAN WORKED VERY CLOSELY AS CHAIRMAN OF NATIONAL POLITICAL CONGRESS.

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1. HANOI AND VIET CONG RADIOS HAVE REACTED NEGATIVELY AND DERISIVELY TO PLANNED UN OBSERVATION OF UPCOMING SEPTEMBER ELECTIONS IN SVN.

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2. ON JUNE 4 DRV FONMIN SPOKESMAN DENOUNCED AND PROTESTED AGAINST "SINSTER DESIGNS" OF U.S. AND GVN OF USING "UN OULABEL TO LEGALIZE
UPPET CLIQUE" IN HOLDING OF ELECTION "FARCE".

PAGE 2 RUMJIR 711A C O N F I D E N T I A L
SPOKESMAN CALLED UN MOVE "COMPLETELY ILLEGAL" AHF WENT ON TO STATE THAT "THE UN HAS ABSOLUTELY NO COMPETENCE IN THE VIET NAM PROBLEM," AND THAT ALL UN DECISIONS ON VIET NAM ARE "ENTIRELY NULL AND VOID." FONMIN SPOKESMAN REITERATED NORTH VIETNAMESE FOUR POINTS, POINT BY POINT, AS "MOST CORRECT WAY" TO SETTLE VIET NAM PROBLEM - "THERE CAN BE NO OTHER WAY."

3. JUNE 5 NHAN DAN COMMENTARY EQUALLY DERIDED UN OBSERVATION OF SVN ELECTIONS. PAPER CALLED ON UN INSTEAD TO "CONDEMN AGGRESSIVE WAR OF U.S. IN VIET NAM," AND URGED UN TO COMPEL U.S. TO CARRY OUT UN CHARTER, TO RESPECT GENEVA AGREEMENTS AND TO RECOGNIZE DRV FOUR POINT AND VIET CONG FIVE POINT POSITIONS. NHAN DAN RHETORICALLY ASKED HOW CAN THERE BE GENERAL ELECTION

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IN SOUTH VIET NAM WHEN VIET CONG CONTROL FOUR-FIFTHS OF TERRITORY AND WHILE U.S. AND SATELLITE TROOPS ARE ENGAGED IN "TERRORIST OPERATIONS" IN SOUTH. NHAN DAN DECLARED ELECTIONS TO FORM CONSTITUENT ASSEMBLY "U.S. MANEUVER" TO SAVE "PUPPET REGIME

PAGE 3 RUMJIR 711A C O N F I D E N T I A L
FROM TOTAL COLLAPSE."

4. VIET CONG CLADESTINE RADIO TRANSMITTED ON JUNE 4 TEXT OF FRONT STATEMENT PROTESTING AGAINST "UN INTERVENTION" IN SOUTH VIET NAM AND CALLING ON UN MEMBERS "TO CHECK" UN PARTICIPATION "IN THE CLOWNISH ELECTION." STATEMENT BITTERLY ATTACKED SEPTEMBER ELECTION AS "INSIDIOUS AND RUTHLESS TRICK" AND DECLARED THAT NO ELECTION CONCOCTED BY "THIEU-KY SERVANTS OF U.S." CAN BE CALLED "FREE AND LEGAL."

5. COMMENT: HANOI AND VIET CONG REACTION TO UN OBSERVATION OF SOUTH VIETNAMESE ELECTIONS REPRESENTS NOTHING THAT WAS UNEXPECTED. BOTH PREVIOUSLY ATTACKED ANY UN "INTERFERENCE IN SVN AS 'ILLEGAL'." HOWEVER, VEHEMENCE OF ATTACK ON ELECTIONS AND UN ROLE, AND VIET CONG'S URGING UN MEMBERS "TO CHECK" IMPLEMENTATION, SUGGESTS THAT HANOI IS UNEASY OVER POSSIBILITY UN ACTUALLY MAY SEND OBSERVERS AND THUS ADD LEGITIMACY TO ELECTIONS. INTERESTING NOTE ALSO WAS MARKED SIMILARITY IN TONE AN PHRASING OF HANOI AND VIET CONG STATEMENTS. GP-3 LODGE
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